

REMARKS

Claims 9 and 11 are pending in the present application. No new matter has been entered.

Rejections under 35 USC §112, First Paragraph

Claims 9 and 11 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The Examiner alleged as follows:

The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention, the specification does not disclose that adhesive material is applied on “the whole surface” of the base material, as recited in claim 11.

(Office Action, page 2, item 2).

However, the Examiner’s allegation ignores the common sense of a person having ordinary skill in the art. Nothing in the disclosure of the present invention indicates that adhesive material is applied only a portion of the base material. Also, there is no reason to consider that adhesive material is not applied on the whole surface of the base material. On the contrary, if adhesive material is not applied on the whole surface of the base material, it is rather unlikely that the stretch tape effectively work for the present invention. Thus, a person having ordinary skill in the art would naturally consider that adhesive material is applied on the whole surface of the base material in all embodiments disclosed in the present application.

Therefore, the rejection is inappropriate, and should be withdrawn.

Rejections under 35 USC §103(a)

Claims 9 and 11 were rejected under 35 U.S.C. 103(a) as being obvious over Shintani (JP 2002-045232A) in view of Suzuki (JP 09-143026), Tupper (U.S. Patent No. 3,804,083) and Krantz (U.S. Patent No. 5,336,219).

Responding to Applicant's previous response, the Examiner alleged as follows:

Applicant argues that, based upon the Abstract, the adhesive layer in *Shintani* is applied at each end of the fabric with a non-adhesive portion between each ends of the fabric. If one were to consider the drawings of Figs. 1 and 2 in conjunction with the English language translation, one would interpret the adhesive layer as extending along the length of the fabric. Fig. 2 is a drawing of the cross-section A-A of Fig. 1. The adhesive layer extends along the **whole length** of the fabric, and not only at the ends of the fabric, as argued. . . .

Suzuki and *Tupper* are not cited for teachings of a stretch tape of stretchable base material of nonwoven fabric or adhesive material applied on the whole surface of the base material at 35 grams per square meters or more, as Applicant argues. *Suzuki* is cited as teaching applying basic cosmetics, such as toiletries and moisturizing lotions, before applying an adhesive tape overnight as part of a disclosed method of reducing wrinkles. *Tupper* is rather cited that astringents are used with self-adhesive tapes and other cosmetics, as part of a disclosed method for preventing or minimizing wrinkles.

(Office Action, page 2, item 3).

However, it is irrelevant whether the adhesive layer extends along the **whole length** of the fabric in *Shintani* because claim 11 recites "said adhesive material is applied on the **whole surface of said base material** at 35 grams or more per square meter." Assuming, *arguendo*, that the adhesive layer extends along the whole length of the fabric in *Shintani*, it is still clear that adhesive material is NOT applied on the whole surface of said base material. If adhesive

material is not applied on the whole surface of the base material, the tape will not have uniform adhesiveness and it is likely that the stretch tape does not effectively work as intended. Also, as submitted in the previous response, it is still possible new wrinkles of the skin can be made at a non-adhesive portion under the tape between said adhesive layers which are located at each end of the fabric.

In contrast, according to the present invention, wrinkles of the face skin are stretched by sticking a stretch tape on a face portion outside of the wrinkles. According to the present invention, the adhesive material is applied on the whole surface of said base material at 35 grams per square meter or more. Therefore, it does not make new wrinkles under the tape because there is no non-adhesive portion under the tape according to the present invention. Also, adhesive material at 35 grams or more per square meter makes an effect of alleviating a stress of stretch tape to prevent from making new wrinkles of the skin.

Suzuki is cited for allegedly teaching applying basic cosmetics, such as toiletries and moisturizing lotions, before applying an adhesive tape overnight as part of a disclosed method of reducing wrinkles and Tupper is cited for allegedly disclosing that astringents are used with self-adhesive tapes and other cosmetics, as part of a disclosed method for preventing or minimizing wrinkles.

However, as the Examiner admitted above, Suzuki and Tupper do not teach a stretch tape of stretchable base material of nonwoven fabric or adhesive material applied on the whole surface of the base material at 35 grams per square meters or more. Also, as discussed above,

the adhesive tape disclosed in Shintani is also different from the one used in the present invention.

Krantz was cited for allegedly disclosing a stretch tape comprising a stretchable base material 20 of non-woven fabric and a sticky adhesive material applied on the whole surface of the base material, the adhesive material comprising a non-sensitizing acrylic copolymer adhesive in an amount of 42 grams/m². However, Krantz discusses a skin closure system for closing a surgical incision or wound, which has nothing to do with a method of beautification and face lifting. Therefore, the amount of 42 grams/m² preferable for such a system is irrelevant to the amount of the stretch tape used in the method of beautification and face lifting. Therefore there is no reason for a person having ordinary skill in the art to combine Krants with Shintani, Suzuki, and Tupper.

Thus, the cited references does not teach or suggest the combination of “sticking a stretch tape on a face portion to stretch wrinkles of the skin from outside of the wrinkles; and removing the stretch tape and washing away the moisturizing and astringing pack on the next day, wherein said stretch tape comprises a stretchable base material of nonwoven fabric and a sticky adhesive material applied on said base material, and said adhesive material is applied on the whole surface of said base material at 35 grams or more per square meter.” Also, the method of beautification and facelifting using stretch tape is effective by the combination of all the steps as recited in claim 11.

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For at least these reasons, claim 11 patentably distinguishes over Shintani, Suzuki, Tupper and Krants. Claim 9, depending from claim 11, also patentably distinguishes over Shintani, Suzuki, Tupper and Krants for at least the same reasons.

In view of the aforementioned amendments and accompanying remarks, Applicant submits that the claims, as herein amended, are in condition for allowance. Applicant requests such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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